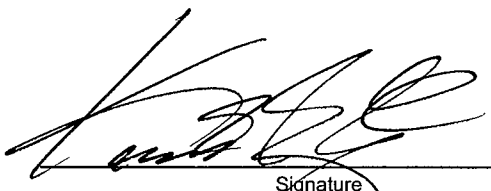


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PTO/SB/33 (07-05)

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<b>PRE-APPEAL BRIEF REQUEST FOR REVIEW</b>		Docket Number (Optional) 119010-14	
<p>I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]</p> <p>on _____</p> <p>Signature _____</p> <p>Typed or printed name _____</p>		Application Number 10/501,101	Filed July 7, 2004
		First Named Inventor M. Angermayer	
		Art Unit 2619	Examiner A. W. CHRISS
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <div style="display: flex; justify-content: space-between; align-items: flex-start; margin-top: 20px;"><div style="width: 45%;"><p>I am the</p><p><input type="checkbox"/> applicant/inventor.</p><p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p><p><input checked="" type="checkbox"/> attorney or agent of record. Registration number 43,148</p><p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____</p></div><div style="width: 50%; text-align: center;"> <div style="border: 1px solid black; border-radius: 50%; width: 100px; height: 100px; margin: 0 auto; display: flex; align-items: center; justify-content: center;">Signature</div><p>Kevin R. Spivak</p><p>Typed or printed name</p><p>(202) 955-7007</p><p>Telephone number</p><p>July 24, 2008</p><p>Date</p></div></div> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below".</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"><p><input type="checkbox"/> *Total of _____ forms are submitted.</p></div>			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): M. Angermayer et al.  
Appl. No.: 10/501,101  
Conf. No.: 5587  
Filed: July 7, 2004  
Title: SIGNALING POINT CODE SHARING IN EXCHANGES  
Art Unit: 2619  
Examiner: A. W. CHRISS  
Docket No.: 119010-014

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PRE-APPEAL BRIEF**

Sir:

This request is submitted in response to the Advisory Action dated June 19, 2008. This request is filed contemporaneously with USPTO form PTO/SB/33, "Pre-Appeal Brief Request for Review," form PTO/SB/31 and "Notice of Appeal" and Petition for a Two (2) Month Extension of Time.

**REMARKS**

I. Claim Objections

Claims 21, 30 and 31 have been objected to due to informalities. This objection, which remains outstanding, will be handled prior to an indication of allowability and is not the subject of review for this Panel.

II. Rejection under 35 USC 112, second paragraph

The rejection has been withdrawn according to page 2, paragraph 11 of the Advisory Action.

III. The Rejection to Claims 21-24 and 28-29 Under 35 USC 102(e) as Anticipated by Rose is Improper

Claims 21-24 and 28-29 have been rejected under 35 USC 102(e) as anticipated by Rose. The rejection is respectfully traversed. Appellants provide the following comments in response to the Office Action, and in particular, the comments by the Examiner made in the "Response to Arguments" section in paragraphs 16 and 17 of the Final Office Action, the last paragraph on

page 2 of the Advisory Action. Specifically, the Examiner contends in the Advisory that Rose discloses the invention since “some of the point codes are re-used in such a manner that the routes are still uniquely identifiable by reference to the two or more point codes assigned to the ends of a respective route...[and] a distributed exchange wherein distinct network nodes connected to one another that share the same signaling point...and the same signaling point code is re-used to communicate between neighboring exchanges and the distributed exchange...”, citing paragraphs [0056] and Fig. 4. Appellants respectfully disagree.

The current invention relates to a network node or exchange and to an ability to add exchanges in the network, such that the exchanges have the same signaling point code as other exchanges in the network. Referring to the example shown in Figure 1, there is a first network node  $B_{Vst}$  has two internal logical networks N1 and N2. A signaling connection S1 is set up from the second internal logical network N2 to another network  $A_{Vst}$  in the telecommunication network. Signaling of the network node  $A_{Vst}$  occurs via signaling connection S1, whereby both network nodes  $B_{Vst}$  and  $A_{Vst}$  have the same signaling point code SPC.

Rose, on the other hand, discloses an exchange for a communication network in which a plurality of nodes for processing calls from or to a first neighboring exchange are deployed, in which two or more of the nodes are arranged to be connected to the first neighboring exchange by separate trunk routes, and a signaling point code being assigned to the node-end of each trunk route. The signaling point codes assigned to the node-ends of the separate trunk routes to the first neighboring exchange differ from each other (see abstract).

In the claimed invention, on the other hand, the network nodes have the same signaling point code. Hence, while the various nodes in Rose utilize different signaling point codes (X, Y), no two nodes utilize the same signaling point code when communicating with an exchange. Rose therefore fails to disclose the claimed limitation of a signaling connection that is set up from the second internal logical network to another network node of the telecommunication network, via which signaling connection all signaling of the another network node is done, wherein both network nodes have the same signaling point code, as required by the claimed invention (see, for example, claim 21).

The Examiner alleges that Rose discloses multiple nodes in a distributed signaling exchange, wherein each node comprises multiple trunk routes (Figure 5) that are allegedly

equivalent to the internal logical networks of claim 21. The Examiner further comments that, as shown in Figures 5, the trunk routes connect the nodes of the distributed exchange to neighboring exchanges as well as to other nodes within the distributed signaling exchange. According to the Examiner, each of the nodes within the distributed signaling exchange maintain data tables that allow it to send signaling messages to other nodes in the exchange (paragraph [0085]), therefore supporting signaling of the other nodes. The Examiner concludes that the signaling point codes (X, Y) are shared by nodes within the distributed exchange. Appellants respectfully disagree.

Rose clearly shows, for example in Figures 5 and 6, and paragraph [0085], that the distributed exchange comprises nodes, each of which having different point codes, i.e. in Figure 5 node p provides point codes X, Y and Y, node q provides point codes Y and X and node r provides point codes X, X and Y. The respective point code depends upon an exchange that is connected to the respective node via a particular trunk. In other words, the exchange A is connected via trunk route A-X to node p and via trunk route A-Y to node q. The exchange A is not at all connected to node r. However, exchanges B, C and D are connected to node r. The claimed invention, on the other hand, allows replacing an existing exchange by a new exchange, wherein such replacement does not have to be sudden. Rather, both exchanges (the existing and the new one) may be operational during a transition phase. Hence, the new exchange can be operational without having to adjust all routing information and/or tables at other exchanges. This is in particular useful if the new exchange is only present during a transition phase.

According to the present invention, this is achieved by supplying one (i.e. the same) signaling point code for both such exchanges, i.e., the existing exchange as well as the new exchange. It is thus decisive that the other exchanges or network components are aware of only one logical entity via this signaling point code. Hence, such other exchanges or network components may address this signaling point code without any necessity for them being aware of the fact that there may be deployed two (or more) actual exchanges beyond such signaling point code. Accessing the logical entity or exchange can be done via the signaling point code. There is no further signaling point code provided for the new or temporary exchange (or network node).

Rose simply fails to disclose that two network nodes share the same (a single) signaling point code. Moreover, Rose suggests addressing particular point codes at nodes p, q and r via

trunk routes. Such trunk routes do not exist in the claimed invention. In contrast to Rose, a benefit of being able replacing an existing exchange or adding another exchange is to not having to broadcast additional point code information. The process of accessing the exchange – according to the invention – is transparent to the adjacent nodes, because they are not aware of any additional node or exchange encapsulated within the sphere of the “same” signaling point code.

IV. Rejection To Claims 25-27, 30-34, and 38-40 Under 35 USC 103(a) as Unpatentable Over Various Combinations of Rose, Okanoué, Havansi, Segal, Doshi and Gavaras is Improper

Claims 25-27, 30-34, and 38-40 have been rejected under 35 USC 103(a) as unpatentable over various combinations of Rose, Okanoué, Havansi, Segal, Doshi and Gavaras. The rejections are respectfully traversed for at least the same reasons presented in the arguments above, and since neither Okanoué, Havansi, Segal, Doshi nor Gavaras disclose the claimed features.

V. Conclusion

In light of the above, the Applicants submit that all the claims are both novel and non-obvious over the prior art of record. Accordingly, the Appellants respectfully request that a Notice of Allowance be re-issued in this case. If any additional fees are due in connection with this application as a whole, the Director is authorized to deduct said fees from Deposit Account No.: 02-1818. If such a deduction is made, please indicate the attorney docket number (119010-014) on the account statement.

Respectfully submitted,

BELL BOYD & LLOYD LLC

BY 

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Dated: July 24, 2008